

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CARNELL GARVIN,  
Plaintiff,

v.

CIVIL ACTION No. 05-30052-MAP

D. A. SULLIVAN & SONS, INC. and  
CONSTRUCTION SAFETY SERVICES, INC.,  
Defendants.

D. A. SULLIVAN & SONS, INC.'S  
ANSWER TO AMENDED COMPLAINT AND JURY CLAM

COUNT I

1. The Defendant is without information sufficient to admit or deny the allegations contained in this Paragraph.
2. The Defendant admits the allegations contained in this Paragraph.
3. The Defendant admits the allegations contained in this Paragraph.
4. The Defendant admits the allegations contained in this Paragraph.
5. The Defendant admits the allegations contained in this Paragraph.
6. The Defendant admits the allegations contained in this Paragraph.
7. The Defendant denies all allegations contained in this Paragraph.
8. The Defendant denies all allegations contained in this Paragraph.
9. The Defendant denies all allegations contained in this Paragraph.

Wherefore the Defendant, D. A. Sullivan & Sons, Inc., states that Complaint should be dismissed and the Plaintiff take nothing and the Defendant be awarded its costs and attorneys' fees.

COUNT II

10. The Defendant repeats and reavers its responses to Paragraphs 1 through 6 as if specifically set forth herein.
11. The Defendant denies all allegations contained in this Paragraph.
12. The Defendant denies all allegations contained in this Paragraph.

AFFIRMATIVE DEFENSES

First Affirmative Defense

And answering further, the Defendant states that the Plaintiff's comparative negligence bars or reduces his recovery.


Second Affirmative Defense

And answering further, the Defendant states that the Plaintiff's accident was caused by persons for whose conduct the Defendant is not responsible.

JURY CLAIM

The Defendant demands a trial by jury as to all allegations set forth in the Amended Complaint, this Answer and any further responsive pleadings.

The Defendant,  
D. A. Sullivan & Sons, Inc.,  
By its Attorneys,



Scott J. Tucker - BBO#503940  
Tucker, Heifetz & Saltzman, LLP  
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**CERTIFICATE OF SERVICE**  
I hereby certify that I made service  
of the foregoing document in accordance  
with the provisions of Fed. R. Civ. P. 5.  
4-29-05 - 